



DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DNA SHUFFLING TO PRODUCE HERBICIDE SELECTIVE CROPS**

the specification of which (check one) is attached hereto X was filed on **August 12, 1999** as Application Serial No. 09/373,333 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

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I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) Number | Country | Day/Month/Year Filed | Priority Claimed | |
|--|---------|----------------------|------------------|----|
| | | | Yes | No |

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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status |
|---------------------------|------------------|------------------------------|
| | | Patented, Pending, Abandoned |
| 60/096,288 | 12 August 1998 | X |
| 60/111,146 | 07 December 1998 | X |
| 60/112,746 | 12 December 1998 | X |

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Send Correspondence to: Maxygen, Inc.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063
(650) 298-5300 - (650) 298-5446 (Fax)

=====

Thereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

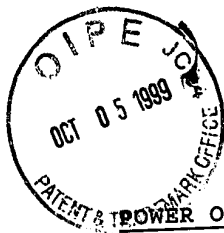
Full name of sole or first inventor Venkiteswaran Subramanian
Inventor's signature *Venkiteswaran Subramanian* Date 9/24/99
Residence SAN DIEGO, CALIFORNIA
Citizenship U.S.A.
Post Office Address 3980 Corte Mar De Hierba, San Diego, California 92130

Full name of second inventor Willem P.C. Stemmer
Inventor's signature *[Signature]* Date 9-28-99
Residence LOS GATOS, CALIFORNIA
Citizenship THE NETHERLANDS
Post Office Address 108 Kathy Court, Los Gatos, California 95030

Full name of third inventor Linda A. Castle
Inventor's signature *Linda A. Castle* Date 9/29/99
Residence MOUNTAIN VIEW, CALIFORNIA
Citizenship U.S.A.
Post Office Address 784 Hans Avenue, Mountain View, California 94040

Full name of fourth inventor Umesh S. Muchhal
Inventor's signature *[Signature]* Date 9/27/99
Residence MOUNTAIN VIEW, CALIFORNIA
Citizenship INDIA
Post Office Address 1600 Villa Street, Apt. 189, Mountain View, California 94041

Full name of fifth inventor Daniel L. Siehl
Inventor's signature *Daniel L. Siehl* Date 27 SEP 99
Residence MENLO PARK, CALIFORNIA
Citizenship U.S.A.
Post Office Address 310 Durham Street, Menlo Park, California 94025



Patent
Atty. Docket No. 0113.004
USSN 09/373,333

In re Patent Application of:

Inventor(s): VENKITESWARAN SUBRAMANIAN ET AL.
Title: DNA SHUFFLING TO PRODUCE HERBICIDE SELECTIVE CROPS
Serial No: 09/373,333
Filed: August 12, 1999

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ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

AS ASSIGNEE OF RECORD OF THE ENTIRE INTEREST OF THE ABOVE IDENTIFIED APPLICATION,
HEREBY APPOINT THE FOLLOWING AS MY ATTORNEYS AND AGENTS WITH FULL POWER OF
SUBSTITUTION TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT
OFFICE CONNECTED THEREWITH:

| | | | |
|---------------------|--------|-----------------|--------|
| Sharon M. Fujita | 38,459 | Norman J. Kruse | 35,235 |
| Joanne R. Petithory | 42,995 | | |

=====

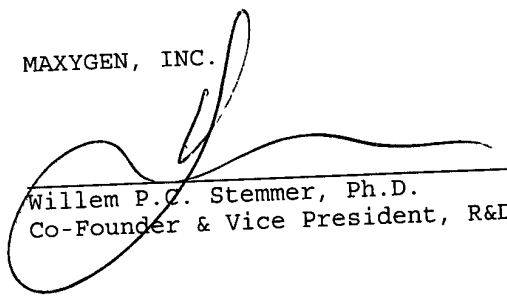
Send Correspondence to: Maxygen, Inc.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063

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Dated this 29 day of September, 1999

MAXYGEN, INC.

By:


Willem P.C. Stemmer, Ph.D.
Co-Founder & Vice President, R&D

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

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|------------------------------|---------|----------------------|------------------|
| Number | | | Yes No |

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|---------------------|--------|---------------------|--------|
| Sharon M. Fujita | 38,459 | Norman J. Kruse | 35,235 |
| Joanne R. Petithory | 42,995 | Jonathan Alan Quine | 41,261 |
| Stacy Landry | 42,779 | | |

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Full name of sole or first inventor Venkitswaran Subramanian
Inventor's signature _____ Date _____
Residence SAN DIEGO, CALIFORNIA
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Full name of second inventor Willem P.C. Stemmer
Inventor's signature _____ Date _____
Residence LOS GATOS, CALIFORNIA
Citizenship THE NETHERLANDS
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Full name of third inventor Linda A. Castle
Inventor's signature _____ Date _____
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Full name of fourth inventor Umesh S. Muchhal
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Full name of fifth inventor Daniel L. Siehl
Inventor's signature _____ Date _____
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